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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,895	03/16/2004	Kiyonobu Kojima	450100-02028.1	3381

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EXAMINER
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HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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08/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,895	<b>Applicant(s)</b> KOJIMA ET AL.	
	<b>Examiner</b> James M. Hannett	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/16/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1:** Claims 1, 3-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,455,561 Brown in view of USPN 5,208,667 Saunders.

**2:** As for Claim 1, Brown teaches on Column 4, Lines 1-65 and Column 5, Lines 5-25 and depicts in Figure 1 An information processing apparatus, comprising: image pickup means (1) for picking up an image of an image pickup object (intruder) to produce image data; detection means (7) for detecting a variation in brightness of the image pickup object (intruder) from within the image data produced by said image pickup means (1) and generating a trigger signal (19) in response to a brightness variation detection; Brown teaches detecting a change in pixel values from one scene to the next. Therefore, this detection of change in pixel value is a change in brightness of the pixels. and storage means (11) for storing the image data produced by said image pickup means (1) in synchronism with the trigger signal (19) generated by said detection means (7). However, brown does not teach the specifics of the comparison and does not teach that the detection means (7) calculates a difference value between a sum total of pixel values of all pixels of image data for one frame fetched previously by a predetermined interval of time and a sum total of pixel values of all of the pixels of image data for one frame fetched at a present point of time, and, if the difference value is greater than a reference value set in advance,

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determines that a variation of a state has occurred with the image pickup object and generates the trigger signal.

However, Saunders teaches a system for detecting motion in a camera by comparing frames of image data and teaches in the abstract and on Column 2, Lines 40-53 and on Column 3, Lines 60-67 and Column 5, Lines 27-35 and depicts in Figure 24 detection means calculates a difference value between a sum total of pixel values of all pixels of image data for one frame fetched previously by a predetermined interval of time and a sum total of pixel values of all of the pixels of image data for one frame fetched at a present point of time, and, if the difference value is greater than a reference value set in advance, determines that a variation of a state has occurred with the image pickup object and generates the trigger signal. Saunders teaches that this method is advantageous because it improves motion detection.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the motion vector calculation method of Saunders in the motion detection system of Brown in order to improve motion detection.

3: In regards to Claim 3, Saunders further teaches in the abstract wherein said detection means further detects a motion vector of the image data as a variation of the state of the image pickup object.

4: As for Claim 4, Saunders further teaches in the abstract that the motion vector is calculated by comparing the first image to a second image and determining the difference in the second image. Therefore, said detection means further detects a variation of the state of the image pickup object based on a predetermined image pattern of the image data. The examiner views the first reference image as the predetermined image pattern.

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5: In regards to Claim 5, Saunders further teaches that the image sensor is a CCD image sensor on Column 17, Lines 5-10 Therefore, Saunders teaches wherein a CCD video camera which forms said image pickup means and a hardware module and a software module which form said detection means and said storage. Saunders is silent as to if the camera is in a portable housing. However, Official Notice is taken that it was well known in the art at the time the invention was made to make video cameras handheld and portable within a housing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use A CCD handheld camera within a housing for the camera of Brown in view of Saunders.

6: As for Claim 7, Claim 7 is rejected for reasons discussed related to Claim 1.

7: In regards to Claim 8, Claim 8 is rejected for reasons discussed related to Claim 1.

8: As for Claim 9, Claim 9 is rejected for reasons discussed related to Claim 1.

9: In regards to Claim 10, Saunders further teaches on Column 17, Lines 53-63 and on Column 18, Lines 9-13 the motion detection utilizes both a threshold increase device (67) and a threshold decrease device (68). Therefore, Saunders teaches wherein said trigger signal is generated in response to a detection of an increase in brightness of the image pickup object.

10: As for Claim 11, Saunders further teaches on Column 17, Lines 53-63 and on Column 18, Lines 9-13 the motion detection utilizes both a threshold increase device (67) and a threshold decrease device (68). Therefore, said trigger signal is generated in response to a detection of a decrease in brightness of the image pickup object, and said storage means stores image data captured a predetermined amount of time prior to said detection of a decrease in brightness.

11: In regards to Claim 12, Claim 12 is rejected for reasons discussed related to Claim 1.

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12: As for Claim 13, Brown teaches on Column 4, lines 63-67 that the intruder is a human intruder. Therefore, the difference image is a result of an image from a person. Therefore, it would have been obvious for the human head to be included in the difference image.

13: In regards to Claim 14, Brown teaches on Column 5, lines 27-50 providing a synchronizing circuit (17) that enables the image captures periodically. This enablement of image captures after a set periodic time is viewed by the examiner as delaying the image capture until the synchronizing signal outputs the next signal to capture an image. Therefore, Brown teaches means for adjusting (17) a delay time (period interval between image captures) such that image data immediately before detection (image capture prior to intruder) of an human intruder is recorded.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309.

The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hamnett  
Examiner  
Art Unit 2622

A handwritten signature in black ink, appearing to read 'James M. Hamnett', written over the printed name.

JMH  
August 16, 2007